

TOWN OF COLCHESTER

COUNTY OF CHITTENDEN

STATE OF VERMONT

In Re: Severance Corners Village Center Malcolm & Gladys Severance
 c/o Jefferey Kolok 2179 Roosevelt Highway
 Kolok Development Group Colchester, Vermont 05446
 354 Mountain View Drive, Suite 105

Routes 2/7 and Blakely Road
Tax Map 8, Parcel 37 and 37-1

FINDINGS OF FACT

On the 25th day of June 2003 the Colchester Development Review Board approved the Final Plat application of Severance Corners Village Center, LLC on the behalf of Malcolm and Gladys Severance, to subdivide two existing parcels totaling 42.19 acres into 5 lots which will contain 152 dwelling units and 86,600 square feet of mixed office, commercial, retail and restaurant space. The subject property is located on Blakely Road, Tax Map 8, Parcels 37 and 37-1 based upon the following facts:

I. DISCUSSION

This project consists of a Final Plat application and Site Plan application of Severance Corners Village Center, LLC, on the behalf of Malcolm and Gladys Severance for a planned unit development. The planned unit development is on two parcels totaling 42.19 acres. The planned residential development consists of subdividing the property into 5 lots which will contain 152 dwelling units and 86,600 square feet of mixed office, commercial, retail and restaurant space, Blakely Road, Tax Map 8, Parcels 37 and 37-1.

This project previously received preliminary plat approval by the Planning Commission. At that time a series of waivers were given, most significantly the Commission gave the project the ability to use all private roads and waived the Public Works Standards. Since this is the Final Plat application, the Development Review Board is now bound by the Planning Commission's Preliminary Plat approval and the waivers granted at that time.

This is a high-density mixed-use planned unit development. Buildings are multi-use and are grouped along a Main Street. The scale of the street is intimate with buildings close to the street, wide sidewalks, landscaping, on-street parking, and relatively narrow pavement widths. The close proximity of buildings and other amenities encourages pedestrian activity.

The following is an excerpt from the minutes of June 25, 2003:

Jeff Kolok, Paul Duchesneau, Bob Chamberlain and Jesse Beck were present on behalf of the request.

Mr. Kolok addressed the Board and presented the Final Plat application to the Board and gave a brief synopsis of the history of the project starting in 1999.

Highlights of the presentation included the following:

- 152 units of residential housing – predominately rental;
- 86,600 square feet of commercial space – non-residential;
- it is a goal to maintain inter-connectivity and prepare for the future when septic is available;
- the internal roadways will be private and maintained privately.

Mr. Beck addressed the Board and discussed the architectural design of the project. Comments included the following:

- pedestrian activity is key and the building facades are designed to orient themselves with pedestrian activity;
- the buildings do not have fronts and back – all four sides are designed to be whole;
- the building colors will be mixed earth tones to provide variety;
- the plan includes below-grade parking.

Mr. Kolok addressed the staff notes.

Section 801 & 803 – Permitted Conditional Uses

Mr. Kolok stated he is comfortable with the phasing condition.

Section 804 – Design Guidelines

Mr. Kolok accepted the fact that the current Zoning Regulations do not accept the signage and street standards as proposed.

Section 804.1(a) – Building Configurations

Mr. Kolok said there will be a 5 to 7 foot berm with plantings on top to screen the buildings and parking lot from Route 2 & 7.

Section 804.2(a) – Pedestrian Accessibility

Mr. Kolok indicated that they have talked with Town Staff about the notion of extending the bike path along Routes 2 & 7 and an associated fee for a future study to be done. The applicant has no problem with those two items.

Section 804.2(b) – Central Features and Community Spaces

Mr. Kolok stated they have made many of the revisions noted. They will construct a recreational field with a 1% crown. The plan identifies places for the location of bus stops.

Section 804.2 c - Parking

Mr. Kolok said they agree to remove the on street parking on the easterly perimeter of the drive. Regarding the suggested requirement that the parking islands be constructed so as to serve stormwater infiltration points, Mr. Kolok stated they have received a permit from the State of Vermont for stormwater discharge. He said the islands do not contemplate infiltration points at this time. Mr. Kolok requested that they keep the stormwater plan in place as submitted. Revisions were made so nine parking spaces do not encroach in the front yard setback along Blakely Road.

The Board reviewed parking and asked questions about the concept and build-out of parking. Mr. Kolok indicated that it will be necessary for the Town to modify their Zoning Regulations to allow them to utilize any efficiency that are created on the site.

Section 805 – Area and Dimensional Requirements

Mr. Kolok reported that the dimensional variances have been submitted to Town Staff. Mrs. Hadd clarified that the requests are for the PUD and PRD buffers to be waived as well as the interior front yard setbacks, which can be done as part of the subdivision process.

Additional comments from Mr. Kolok included the following:

- prior to recording of Final Plat they will agree to provide an open space management plan;
- agree to the condition regarding second water storage tank and are aware that CWD has a water storage issue;
- agree to conditions regarding Section 417.3;
- agree to conditions regarding Section 417.4;
- accept the suggestions of the Town to modify access to Blakely Road;
- will offer a landscape escrow for each phase of the project;
- will landscape along the Charbonneau property as part of the first phase;
- Section 417.8: applicant agrees to 1.1;
- will make a revision to the 33 linear feet in front of building No. 1;
- agree to increase the unobstructed width of the perimeter drive to 24 feet all the way around to Route 7 and that includes the elimination of 18 on-street parking spaces;
- agree to a condition of the permit that they will do one of the three suggestions to meet the fire safety issue for building No.7;
- Section 505: when each phase of construction is started the applicant will secure a

performance and payment bond for the scope of construction and can provide assurance to the Town that the bond is in place.

Mrs. Hadd clarified the overall traffic recommendation. The applicant can complete each phase and do a warrant analysis for each phase prior to the construction of that phase. The Town needs to review each phase and what is warranted in terms of traffic for each phase. That process will allow the applicant flexibility when constructing traffic improvements. With regard to a round-a- bout, Mrs. Hadd indicated it is not a requirement at this time. It is possible that in 10 years from now, when something needs to be done in terms of traffic, when the project is in the middle of Phase 2 and Phase 3, there may be other alternatives to explore.

Mrs. Hadd reviewed for the record correspondence that has been submitted in the last few days. The first correspondence is a letter from Mr. Kolok regarding playground, school children and security. Also correspondence has been received from Mr. Rathe and Allan Russell.

Following the presentation, the Board asked the applicant and Staff questions pertaining to the application. Areas of discussion included traffic, private roads, and infrastructure improvements.

Mr. Bludevich opened the meeting to take comments and/or questions from the public. Mr. Bludevich requested that the comments be addressed to the Board and asked that all comments and or questions be specific to the Final Plat application.

Allan Russell, owner of a lot at Water Tower Hill, said he can't develop his lot because there is not any septic available. He expressed concern that the Town will allow additional development when infrastructure is not in place to serve lots that are presently in place to be developed. Mr. Bludevich responded that the shortage of sewage is an issue but he does not have an answer and believes that it is the Select Board of the Town of Colchester that needs to address that. He further commented that the project will have to meet all sewer requirements before a permit is issued.

Gary Charbonneau, 2462 Blakely Road, asked how close will the road will be to his property? The applicant reported that it appears to be 26 feet away from the property line. Mr. Charbonneau expressed concern for the closeness to his garage and discussed the need for screening. Mr. Kolok reported that at Preliminary Plat they agreed to install a dense screen of evergreens. Mrs. Hadd reported that in the beginning the road will have a "stop" sign and it is probable that a light will be installed after the construction of several buildings. Mr. Charbonneau expressed a strong concern for his ability to ingress and egress his property once the property is developed. There presently are traffic problems which interfere with him exiting and entering his property during peak times. Mr. Chamberlain stated that as long as there is a "stop" sign at the end of the perimeter road there will not be any impact to the traffic flow along Blakely Road. When a traffic signal is installed, and there is question if it will ever be warranted, the worse case scenario will be a wait of 50 seconds.

Mrs. Hadd clarified that prior to installation of a light a warrants analysis and alternative analysis should be done by the applicant in coordination with the Town. That process should take the driveway owned by Mr. Charbonneau into account. Mr. Bludevich thanked Mr. Charbonneau for the comments and assured him that the Board would discuss traffic during the deliberative session.

Eben Wolcott, 331 East Road, asked if he can speak to the application even though he is not a direct abutter? Mr. Bludevich granted Mr. Wolcott the opportunity to speak. Mr. Wolcott said he would like to speak about public safety and concern with the Police Department. He said traffic presently backs-up on the State Highway and accidents are occurring and that is the jurisdiction of the local Police Department. Mr. Wolcott encouraged the Town to make sure that the maximum amount of studies possible be done with regard to traffic.

Jim Carroll, 697 Hercules Drive, stated concern for the lack of municipal sewer and traffic off-site. He suggested that those issues be corrected prior to any approval of new development. Any new development can't occur at the expense of existing property. This project has contributed nothing of value to infrastructure and has proposed plans that do nothing to mitigate the impacts that it will have on the infrastructure.

Mr. Bludevich interjected and reiterated that the septic issue has to be addressed by the Select Board and the traffic issues were raised previously.

Gail Westgate, on behalf of the owner of lot A-14 at Water Tower Hill, talked about traffic concerns. She expressed concern for the traffic study that was done and questioned whether it was extensive enough to include the Exit 16 corridor. Mr. Bludevich indicated that the traffic study did include the Exit 16 corridor. Additionally, they are concerned about master permitting for a large development when the infrastructure is not in place for the level of development that the master permit is granted. She encouraged the Board to look more carefully at the traffic issues and water and sewer resources before the Town grants a master permit.

Mrs. MacDonald made a **motion** to **close** the public hearing. Mr. Keyser **seconded** the **motion** and it **passed** with a vote of 5 – 0.

In deliberative session, Mr. Sylvia made a **motion** to **approve** the Final Plat application of Severance Corners Village Center, LLC, on the behalf of Malcolm and Gladys Severance with conditions. Mr. Keyser **seconded** the **motion** and it **passed** with a vote of 5 – 0.

II. FINDINGS OF FACT

The Development Review Board has found that the project will not have any adverse effects as defined by the criteria listed in the Town of Colchester Zoning Regulations and the Subdivision Regulations.

ZONING REGULATIONS

SECTION 801 & 803 – PERMITTED & CONDITIONAL USES

The proposed residential, office, commercial, retail and restaurant uses all are allowed in the GD-3 District. The proposed mix of residential dwelling units/non-residential square footage appeared to be reasonable for the Severance Corners area as proposed in the phasing schedule in section one of the application. In section 21 of the application the applicant depicted a landuse diagram on page 11. Staff reviewed the diagram and the phasing plan as complimentary to each other. The applicant was asked to clarify if there were any conflicts. Staff recommended requiring that the applicant follow this phasing schedule with the condition that staff may approve a 20% deviation from the phasing proposed. It should be noted that the applicant proposed a five year implementation schedule.

SECTION 804 – DESIGN GUIDELINES

The applicant interpreted this section of the Zoning Regulations in Section 21 of the application, “Design Guidelines & Development Standards”. Staff recommended against accepting the signage and street standards proposed in this section as these do not meet current regulations. These guidelines should be used for buildings only and not landscaping, lighting, or recreational amenities (reviewed in other sections below). The design committee must not include Town staff or individual board members. Each building will be subject to site plan review prior to construction; at which time Town staff and board members will review the project for conformance with all applicable rules and regulations.

SECTION 804.1(a) – BUILDING CONFIGURATIONS

Each building will require a site plan application that shall be approved by the Development Review Board prior to construction. This application was only for the site master plan and not for any specific buildings at this time. Section 21 of the application provides “Design Guidelines and Development Standards”. Pages 17 through 22 and pages 43 through 44 of this section will be used to evaluate proposed buildings and ensure that they are in keeping with the intent of the project master plan. This section also includes an addendum with proposed building “typologies”. The applicant stated that typologies are designed to be flexible: “The introduction of a limited number of modern design elements adds visual juxtaposition and interest to the traditional regional building forms utilized.....Shared common design elements such as dormers, canopies, and windows are used as common thread to unify the overall design character of the village.” Site plans for individual buildings will be expected to fit these typologies. As depicted, the buildings appeared to achieve the zoning standard of reducing visual mass of the structure while creating multiple entrances onto pedestrian spaces.

SECTION 804.1(b) – BUILDING HEIGHTS & SCALE

The applicant proposed 1 to 4-story buildings. The applicant proposed a series of building typologies in section 21 of the application. As shown in the Land Use Diagram on sheets 3, 3A, 4, and 4A most buildings will be at least 3-stories with the exception of the two buildings closest to Blakely Road and two other small buildings. As a general note, 3 or 4-story buildings do support the concept of relatively dense development that encourages pedestrian-scale activity in growth centers. The Planning Commission had concerns at preliminary plat that the four story buildings may have an adverse impact on the character of the area. The applicant provided perspectives of the project from Blakely Road and Routes 2/7 in section 20 of the application. The proposed landscaping, berm, and context with other buildings should sufficiently buffer the proposed four story buildings and prevent the height of these buildings from standing out.

SECTION 804.2(a) - PEDESTRIAN ACCESSIBILITY

In general, the plan provides walkways along all streets and to building entrances. Sidewalks also are provided around, but not through, parking lots serving buildings.

Sidewalk widths vary from 12' wide along Center Drive to 5' wide along minor streets. Sidewalks also vary in relation to buildings with some directly adjacent to buildings and other separated. Sidewalks are proposed to be of concrete, stamped concrete, or brick pavers.

The proposed bike path should be extended completely along the road frontage of the project (Blakely, Route 2 & 7). The applicant was requested to construct this portion of the bike path and provide the Town easements. From the Route 2&7 access drive south the applicant should provide an offer of dedication and escrow to extend the bike path to the southern property line if at a later time the Town determines this portion should be constructed. The applicant was asked to provide an offer of dedication for a bike path along the southern and western property lines. The Department of Public Works recommended that the applicant fund a study of whether this proposed offer of dedication should link to a past proposed alignment along the circumferential highway. The applicant should, prior to issuance of a building permit, provide details of what bicycle signage will be installed to the satisfaction of staff.

The bike path crossing of the roundabout should be moved onto the property further (away from the roundabout) so that a car entering the project (exiting the roundabout) will not block the flow of traffic in the roundabout if the car must stop for a pedestrian or bike in the crosswalk. The design must allow for one car to safely queue without impeding the flow of the roundabout. The area for queuing must also reflect any future expansion of the roundabout.

SECTION 804.2(b) - CENTRAL FEATURES & COMMUNITY SPACES

At preliminary plat the applicant was requested to provide recreational amenities. Section 19 of the application reviews the recreation amenities proposed. The applicant proposed a 60' x 290' central green with gazebo, several smaller gazebos and park benches, walking paths, an area for a farmer's market, an informal green to be utilized as an informal field, and a tot lot. The applicant provided details for the tot lot, gazebos, and benches, but has not provided details for the walking paths. The plans should be revised to include typical cross-sections for the pedestrian path. The informal recreation field should have a grade of not more than 1% from the crown to the edge. The turf should be consistent with current soccer fields at Colchester parks. The applicant stated that the tot lot will have a play-structure designed for ages 5-12 with appropriate surfacing underneath the structure such as woodchips. Staff recommended two swings be added to the play-structure to accommodate a greater age range.

The applicant stated that the association will be responsible for the maintenance and replacement of the proposed amenities. The association documents should make clear that these amenities are to be privately owned and maintained. The association documents should also devise a way that the public can reserve or make use of the amenities such as the central gazebo and farmer's market. The association should bear the responsibility of scheduling use of the amenities. Prior to recording the Final Plat the association documents should be finalized to include these provisions. The Town's Attorney must approve all association documents prior to the filing of Final Plat.

The applicant was asked at Preliminary Plat to consider providing bus amenities. CCTA has no plans at this time to service Severance Corners. The applicant stated in section 9, subsection 12 of the application that the proposed streets could be adapted to provide bus loading areas in the future by removing parallel parking spaces. No typicals of bus shelters or signage has been provided. Staff recommended this is adequate provided that a condition of Final Plat be that the applicant is responsible for constructing all bus related infrastructure recommended by the CCTA at such time as service is extended to Severance Corners.

SECTION 804.2(c) – PARKING

The project provides 726 total parking spaces that include 82 underground spaces beneath buildings #6, #7 and #8 and 79 on-street parking spaces. The surface parking has the potential to be excessive and massive for the proposed uses, particularly in light of the shared parking potential of such a heavily mixed use development. The applicant proposed landscaping to break up the parking spaces. As each building is considered in the site plan review process, staff recommended that the parking requirements for the building be considered under the Zoning Regulations in effect at that time. The applicant should not propose parking in excess of the required minimum in the Zoning Regulations. It should be noted that, given the mixed use development and the opportunities for shared parking, staff does not have a problem with waiving required parking.

On-street parking, whether angled or parallel, encourages street-level activity and reduces the number of spaces required in perimeter parking lots. However, the easterly perimeter

drive (east of the parking lot entrance) is not adjacent to any buildings; and on-street spaces should be removed from this section.

Subsection (iv) requires avoidance of “vast expanses of uninterrupted pavement” and installation of “planted islands large enough for trees and low shrubs” at the ends of parking rows, frequently within long parking rows, and between opposing rows of parked cars. The westerly parking lots, although large, appear to meet these requirements. The easterly parking consists of a series of interconnected lots. Plantings are shown at the perimeter of these lots, within islands, and at the end of individual aisles. The applicant proposed small trees within the parking islands that should provide some visual interruption and heat dissipation but not adequately serve as tree canopies as previously suggested at preliminary plat. The applicant should be prepared to justify the number of parking spaces proposed. Several parking spaces could be eliminated, the size of the islands increased, and the size and species of the trees increased. At a minimum, the parking islands should be constructed so as to serve as stormwater infiltration points.

All buildings are well served by adjacent parking spaces with the exception of building #7. The applicant stated that there will be parking spaces under the building. The building will be reviewed to ensure that adequate parking is provided within for the proposed uses at the time a site plan application is submitted for the building.

Another parking standard is found in Section 804.1: “Whenever possible, all parking lots shall be located behind buildings and adequately screened from Severance and Blakely Roads and Routes 2 & 7”. Staff recommended that the proposed plan did not satisfy this standard. The applicant originally proposed one row of buildings along Routes 2 and 7 that would buffer the parking from Routes 2 & 7. These buildings are no longer proposed and the result is a large parking area, located approximately 190’ from Route 2/7, with no intervening buildings. The applicant proposed a landscaping berm between the parking and Routes 2 and 7 (see section 21 of the application). Staff requested that these parking lots be done away with in favor of structured parking to comply with this requirement as it is better for stormwater runoff and in concentrating parking close to the proposed uses, but since the Preliminary Plat application favored the parking lot with berming the Board should evaluate the adequacy of the berm in hiding the parking lot from the public road.

The westerly parking lot near building #13 does not comply with Section 804.1; specifically it is not located behind a building nor is it adequately screened from Severance Road. There are also nine (9) parking spaces which encroach within the required front yard setback of 45 feet along Blakely Road. The parking spaces shall be moved out of the front yard setback area and the entire parking area must be fully screened from Blakely Road. The applicant stated that revised plans will be provided at the meeting that delete three spaces and shift the remainder of the parking spaces out of the front yard setback.

SECTION 804.3(b) - SIGNAGE

Signage standards are described on page 40 of Attachment #21 in the application. Individual signs will not be designed until a later date. The applicant described the standards and the review procedure for specific signs. This description mentions projecting

signs that are not currently allowed under the Zoning Regulations. All individual sign permits will require individual permits. Individual signs will be reviewed for conformance with the Zoning or Sign Regulations at the time a permit application is submitted for the sign. All signs shall meet the then current regulations or a permit will not be issued.

SECTION 804.3(c) - LIGHTING

Lighting standards are described on pages 30 and 50 of Attachment #21 in the application. Street light poles will not exceed 20 feet in height and a 1:3 lighting ratio in parking lots and alleys. All outdoor lighting should not exceed three footcandles in any particular area with the exception of intersections where lighting levels may be four footcandles or less. All lighting should employ metal halide or incandescent lights. Lighting plans and details are also given on pages L7, L8 and L10 of the plans. The proposed Lumec Square Lantern L21N-SE should employ the opal, bronze, or frosted lens finishes to prevent against the bulb being clearly distinguishable in the fixture. Clear lens on lantern fixtures generally give off glare and should be avoided.

SECTION 804.3(d) 804.3(e) and 804.4 - FENCING, DUMPSTERS, LOADING DOCKS

On page 30 of Attachment #21 in the application the applicant stated that all fencing will be wood, forged iron, steel, or aluminum painted black. On pages 43 through 44 in this attachment the applicant stated that wherever possible businesses will share dumpsters to reduce the overall number needed. All dumpsters will require full screening and should not adversely affect circulation or be prominently sited on the property. No loading docks are proposed at this time. The Zoning Regulations do not permit unloading or loading in the front yard of properties along public roads. Each individual building will be reviewed for compliance with the Zoning Regulations at the time a site plan is submitted. No loading docks are approved at this time.

SECTION 805 – AREA & DIMENSIONAL REQUIREMENTS

Except for the parking spaces noted above, it appears that the development conforms to all area and dimensional requirements for the GD-3 District. The applicant asked for interior front yard waivers but has not itemized these (otherwise 30-foot requirement). Staff recommended granting these but an itemized list should be provided. Staff also recommended waiving the Planned Unit Development 50 foot buffer to facilitate transition between this project and future projects. These items will be reviewed at the time a site plan is proposed for the individual building or at the time a building permit is applied for. All other setbacks appear to be met. Lot coverage is proposed to be 34.5% (70% max). Building coverage should not exceed 30%. The current proposed building coverage is 6.1%. Front yard coverage should not exceed 30%. The applicant was asked to provide these coverages at the Final Plat hearing.

SECTION 1603 – PLANNED UNIT DEVELOPMENTS - GENERAL STANDARDS

The applicant has stated that 25% of the project area will be restricted open space. The applicant must submit association documents for the project prior to recording Final Plat which specifies how the open space will be permanently restricted open space and how it will be maintained. The association documents should also include provisions for road,

sidewalk, light fixture, landscaping, and other public amenity maintenance and replacement. The association documents should clearly state that the road network for the project is private and will not be accepted by the Town. The association should provide provisions for a security force that can enforce private parking covenants and provide adequate policing for the project. The Town's Attorney will review the final covenants at the applicant's expense.

SUBDIVISION REGULATIONS

SECTION 417.1 – WILL NOT RESULT IN UNDUE WATER OR AIR POLLUTION

Stormwater Treatment

Surface drainage patterns proposed for this site will generally follow the existing conditions. Runoff from roofs, lawns and paved areas will be collected by catch basins and carried via underground piping to two detention ponds. The ponds will retain and treat up to a 25 year storm event.

Runoff from the northern portion of the site will be treated by grassed filter strips, grass-lined swales, and a detention pond prior to discharge.

Surface runoff from the remainder of the site will receive two-stage treatment in the detention ponds by means of extended detention of the AWater Quality Volume@ calculated using the 90% capture rule (in both current and proposed use by the State). The detention ponds will also attenuate peak flows to pre-development levels for 2, 10, and 25 year design storms.

Sewage Disposal

Sewage generated by this project will be treated by the City of South Burlington, Airport Parkway Wastewater Facility by agreement with the Town of Colchester. On-site and community disposal systems are not proposed. Therefore the suitability of the soil for disposal and protection of water sources are not subject to review. No generation of hazardous and/or toxic waste is planned for the project site.

The current sewer allocation for this project is 42,000 g.p.d. with projected flows at 48,248 g.p.d. The sewage flow per building is required and the applicant must indicate which building(s) will not be constructed until additional sewer allocation is available. The sewage flows provided are based on residential, office, retail and 250 seat restaurant(s). As each individual building obtains a building permit the uses of each building must be provided and the sewer flow recalculated if other uses are proposed such as daycare centers, hairdressers, doctor or dentist offices, veterinary offices, etc.

A sanitary sewer maintenance plan must be modified to include flushing of the lines as needed but not less than bi-yearly. The lines shall be flushed with vacuum type equipment. All restaurants must have grease traps that are cleaned as needed but not less than quarterly. The building sewer lateral inverts and the first floor elevations of the buildings

are required to be shown on the plans. All the sanitary work must be coordinated on one set of plans.

No floors drains are allowed to be connected to the sanitary system without written approval of the Public Works Department. All discharges to the Town of Colchester municipal sewer system shall conform to the requirements of Chapter 10, Sewers, as found in the Code of Ordinances for the Town of Colchester.

The applicant proposes to relocate a manhole on the town's collection system. This manhole includes a soil odor filter vent in valve box. A detail of this system must be included on the plans. The new gravity service line that enters this manhole shall have an invert at least 0.3' higher than the invert out. The record drawings for the Breezy Acres Sewer line Extension shows the gravity line in this section as being 10 inches in size. The section on Route 7 is 12 inches.

Stump Disposal

Any stumps requiring disposal will be removed from the site and disposed of in a State approved landfill.

Streams

There are no streams on the property. One drainage way was noted that is not protected under the stream bank buffer protection section of the Zoning Regulations.

Air Pollution

There will be no process emissions, noxious odors or sources of noise from this building. Water or calcium chloride will be applied to control dust during construction.

One of the driving concepts behind this mixed-use development is the integration of shopping, dining, and services with residential components. This combination of uses can reduce automobile dependency, and therefore reduce auto emissions. All buildings' heating systems will have high efficiency and low emissions.

The project provides 726 total parking spaces that include 82 underground spaces beneath buildings #6, #7 and #8 and 79 on-street parking spaces. The surface parking has the potential to be excessive and massive for the proposed uses, particularly in light of the shared parking potential of such a heavily mixed use development. The applicant proposed landscaping to break up the parking spaces. As each building is considered in the site plan review process, staff recommended that the parking requirements for the building be considered under the Zoning Regulations in effect at that time. The applicant should not propose parking in excess of the required minimum in the Zoning Regulations.

SECTION 417.2 – DOES HAVE SUFFICIENT WATER AVAILABLE FOR THE REASONABLE FORESEEABLE NEEDS OF THE SUBDIVISION

The estimated water demand is calculated as follows:

Residential	20 1-BR units @ 150 GPD	3,000 GPD
132 2-BR units	@ 300 GPD	39,600 GPD
Office	350 employees @ 15 GPD	5,250 GPD
Retail	100 employees @ 15 GPD	1,500 GPD
Restaurant	250 seats @ 45 GPD	11,250 GPD
Subtotal:		60,600 GPD
10% Reduction for low-flow fixtures:		-6,060 GPD
DESIGN WATER DEMAND:		54,540 GPD

An on-site water source is not proposed. The Champlain Water District has informed the applicant of sufficient water supply for the proposed development as of 2002. Since that time CWD has had water storage issues. CWD has plans to construct a second water tank at Water Tower Hill to provide adequate water supply to service the Town within the next year. This should eliminate any water storage concerns; however occupancy of the proposed buildings should not be permitted until CWD states in writing that it has adequate water storage for the proposed project. Prior to issuance of a certificate of occupancy the applicant shall submit a letter from CWD stating that there is adequate water storage to serve the project.

Fire District #3 submitted a letter stating the proposed water supply system is adequate to provide adequate flow and pressure (section 14 of the application). Final water system design shall be reviewed and approved by the Colchester Fire District #3's engineer prior to issuance of a building permit. The number of water meters should be minimized to the extent possible.

SECTION 417.3 – WILL NOT CAUSE UNREASONABLE SOIL EROSION OR REDUCTION IN THE CAPACITY OF THE LAND TO HOLD WATER SO THAT A DANGEROUS OR UNHEALTHY CONDITION MAY RESULT

Layout of the site has been designed to generally follow the existing topography, and to minimize disturbance of the steeply sloped areas. Work on the site will be phased where possible to minimize the time that disturbed soils are exposed.

Plans for erosion control during construction include silt fence along the perimeter of the construction area, inlet protection for all catch basins, and stone lined swales. Stabilized construction entrances will be utilized to prevent tracking of soil onto Blakely Road and US2/7. Additional protection techniques from the Vermont Soil Erosion Handbook will also be incorporated.

The erosion control plan shall be supplemented to state that any silt fence/hay bale dams with more than 50% silt buildup shall be cleaned. The stabilized construction entrance locations are shown on the plans. A note shall be added to the drawings that the erosion control shall be augmented in the field during construction as deemed necessary by the Town. Additional work will be required to finalize erosion control plans for this site, and will involve discussions with the State Erosion Control office.

Permanent erosion control will be provided by well-maintained lawn and landscaping in areas surrounding the proposed building and parking areas. All drainage will be controlled, and discharge points will be protected.

Once the permanent erosion control is in place, the downstream receiving channels shall be inspected after every storm event and weekly during spring run-off until one year after project completion. Any downstream erosion of the receiving channel shall be repaired and a plan for correction of the problem shall be reviewed and approved by the Town. After one year of operation after final completion, the downstream channel shall be inspected yearly for erosion. Before the start of construction, an evaluation and documentation of the condition of the downstream channel should be completed.

The soil erosion plans shall be supplemented to include a requirement that any disturbed area not actively worked for a period of a month or more shall have a temporary seeding with annual rye or be mulched. This temporary seeding or mulching shall be performed even if final grade has not been obtained.

SECTION 417.4 – WILL NOT CAUSE UNREASONABLE HIGHWAY CONGESTION OR UNSAFE CONDITIONS WITH RESPECT TO USE OF THE HIGHWAYS EXISTING OR PROPOSED

As commented at preliminary review, the Colchester Public Works Specifications require that all private roads be constructed to the same standards as public roads. Therefore, the interior roads do need to meet the town's basic design standards and the applicant has been requested to document the intended function of the various types of interior road cross-sections and that the proposed cross-sections can support the intended use and safely for both vehicles and emergency services. As appropriate, reference to ITE, VTrans or AASHTO standards that support the road widths are required with excerpts included in the backup documentation.

The applicant proposed a three phase plan for constructing the project based on building numbers. The applicant has not provided information on the road infrastructure phasing. At the very least all roadways shown on sheets C-3A and C-4A that are required to provide fire access to the individual buildings for each phase must be constructed before occupancy of the buildings. Also, the green access must be built and the western access must be built with the left turn lane for the first phase.

The Civil Plans for the project that show the road improvements along Blakely Road do not agree with the Blakely Road Improvement Plans. This should be corrected. The left turn lane at the West Drive exit must be longer to accommodate a large truck of WB-50 as a minimum with WB-67 preferable.

The applicant changed the proposed access to the project significantly. The signal was removed from the Western Entrance and a roundabout has been added to the green entrance. The Western Entrance would be controlled by a stop condition with a dedicated left turn lane on Blakely Road. The applicant suggested that the signal at the western entrance be installed only if signal warrants are met at a future date. Staff did not recommend that the roundabout be built at this time and that a similar phasing approach for

the access to the center green be approved, i.e. that an alternatives analysis be completed for intersection improvements once the warrants are met. However, Mike Oman, the town's traffic consultant recommended that as part of this project that either the Western entrance be signalized or that the round about be constructed at the green. Further, he recommended that one controlled intersection be constructed before the completion of phase 1 of this project (the first five buildings). Therefore, staff recommended that initially the Western entrance be constructed without a signal (stop control) until after the completion of the fourth building and that the signal be installed as part of the approval for the fifth building. Further, staff recommended that the green entrance be constructed with a right in and out only. As this project continues to full build-out and the Severance Corners growth center continues to grow and, if intersection control is required at the green, then an alternatives analysis be conducted to determine the best solution for the green entrance. Conducting the alternatives analysis when intersection control is warranted will allow the intersection to be designed in a way that best meets the needs of the area for the conditions that exist (including proposed development on the northern quadrant) and design decisions would not be based on speculation.

The roundabout is not recommended for approval at this time. However, if the alternatives analysis suggests that a roundabout be constructed then the following must be addressed:

- a. The roundabout as designed will not accommodate all movements from all approaches. Blakely Road is a major corridor for the bay as well as this project and any traffic improvements must be properly sized to accommodate all traffic using this artery. A roundabout design must accommodate all traffic including trucks so that the vehicles can transit the control device within the designated travel lane.
- b. The proposed right of way for the roundabout must be large enough to accommodate a properly sized roundabout including the possibility that future needs of the town beyond the full build out of this project may require a two lane roundabout.
- c. The bike path crossing of the roundabout must be moved onto the property further (away from the roundabout) so that a car entering the project (exiting the roundabout) will not block the flow of traffic in the roundabout if the car must stop for a pedestrian or bike in the crosswalk. The design must allow for one car to safely queue without impeding the flow of the roundabout. The area for queuing must also reflect any future expansion of the roundabout.
- d. The first parking place at the Green entry must be removed as a minimum.
- e. The landscape plan shows deciduous trees in the splitter island of the roundabout. These will hinder sight distance and should be replaced with low growing shrubs. A portion of the center island has ornamental grass; a low growing species is required. A portion of the center island of the roundabout calls for annual flowers. The roundabout is in the public right of way and a maintenance agreement for the island will be required.

The traffic information indicates that a double left from Rt. 7 north onto Blakely Road will be warranted when the project reaches approximately 60% of the proposed build-out under this phase (including the full build-out of the Wright and Morrissey project).” This requires double receiving lanes on Blakely Road. The ability of this project to provide adequate right of way to accommodate an intersection with the proper geometry, particularly alignment, for future development is not guaranteed. The lack of suitable right of way may prevent future development. It is therefore recommended that an offer of dedication for additional right of way be given to the Town Engineer’s satisfaction prior to issuance of a building permit.

SECTION 417.5 – WILL NOT HAVE AN UNDUE ADVERSE EFFECT ON THE SCENIC OR NATURAL BEAUTY OF THE AREA, AESTHETICS, HISTORIC SITES OR RARE AND IRREPLACEABLE NATURAL AREAS

The application was proposed as a growth center which embraces responsible, sustainable growth that creates “community”, not suburbs, that creates identity, not isolation and that attempts to reduce auto dependency.

The development’s master plan creates a clear center and edge, making the village identifiable, compact and walkable. The initial development will be an optimal size for a pedestrian oriented neighborhood, one-quarter to one-half mile between center and edges. The mix of land uses provides a balance of activities that encourages pedestrian movement, reducing auto trips and stimulating community. The development will enhance the natural beauty of the region through the creation of a village center with a village green as the central public feature. The public realm, including the streetscape, is a series of greenways organizing the village green with the surrounding preserved open spaces.

The aesthetic modeling for the project contemplates using influences of Greek Revival, Federalist and Colonial architecture, typical of many village centers in New England. Building typologies suggesting these models are proposed with 1 to 3 stories in height on a majority of the buildings with a 4th story tucked into the roof line of a few buildings. The Planning Commission had concerns at Preliminary Plat that the four story buildings may have an adverse impact on the character of the area. The applicant has provided perspectives of the project from Blakely Road and Routes 2/7 in section 20 of the application. The proposed landscaping, berm, and context with other building should sufficiently buffer the proposed four story buildings and prevent the height of these buildings from standing out.

At Preliminary Plat the Planning Commission requested that the applicant provide a landscaping buffer between the project and the Charbonneau property. The applicant has prepared a response in section nine, page two of the application. The additional landscaping is also detailed on sheets SP2, L5, and L6 of the plans. Staff recommended that the landscaping buffer is sufficient. The Planning Commission also asked for a landscaping berm to screen parking from Routes 2 & 7 at Preliminary Plat (see response under Section 804.2(c) Parking). The applicant proposed a landscaping berm comprised of evergreen and deciduous species such as white fir, arborvitae, ginko trees, and other smaller shrubs. The landscaping plans do not show this area as being raised for a berm.

The landscaping plan should be revised to show the berm contour. The Planning Commission requested additional landscaping islands. Several additional landscaping islands have been provided (see response under Section 804.2(c) Parking). The applicant proposed several smaller trees for the islands such as crabapple. The applicant may want to consider larger species to provide a tree canopy as recommended by the Commission at preliminary plat. Larger trees could include Maple, Ginko, Little Leaf Linden, or other salt resistant trees. The selected species on the landscape plan should be checked to verify whether they are hardy for northern New England. Salt tolerant species should be used adjacent to roads and parking lots if salting of the privately maintained roads is planned.

Section 19 of the application details other landscape amenities such as benches and gazebos. Sheet L9 provides bench and trash receptacle details. The plans do not specifically indicate the location of these amenities. Staff recommended that the amenities be placed in the general areas depicted in Section 19 but with the stipulation that these amenities can not adversely affect circulation and access to buildings.

The applicant should expect to offer a landscape escrow for each phase of the project. The applicant may wish to revise the landscape plans to provide landscaping schedules and locations for each phase. The landscaping berm and the landscaping for the Charbonneau property should be considered to be part of the first phase.

SECTION 417.6 – EFFICIENCY OF ALLOCATION AND DISTRIBUTION OF STREET AND PUBLIC FACILITY INSTALLATION, CONSTRUCTION AND MAINTENANCE

The area noted as “future possible r.o.w.” on Blakely Road should be dedicated to the Town prior to recording of the mylar. Documentation should be given as to how the infrastructure improvements will be maintained. The entrance / exit to Routes 2 & 7 should prohibit illegal turns. Snow removal areas are depicted on the plans.

At Preliminary Plat, the Planning Commission approved the project as containing private roads. The application contains extensive information on street design concepts including a “Roadway Identification Diagram” (Section 21), “Street Design” and “Streetscape Design” (Section 21).

A major issue is whether streets should be public or private. The proposed streets do not meet current Public Works Standards for public streets. As a result, the applicant has proposed that all streets in this development be private. Issues related to public vs. private ownership include maintenance responsibilities and traffic enforcement. The application depicts all private streets. If streets are to remain private, the applicant shall document how funding will be provided for their maintenance. The applicant was asked to discuss this at the Final Plat hearing. Sidewalks are indicated on the plans. Utilities for the project are expected to remain under private ownership.

SECTION 417.7 – WILL NOT CAUSE AN UNREASONABLE BURDEN ON THE ABILITY OF A MUNICIPALITY TO PROVIDE EDUCATION SERVICE

The applicant submitted a letter from the School District stating that the impacts will not be adverse.

SECTION 417.8 – WILL NOT CAUSE AN UNREASONABLE BURDEN ON THE ABILITY OF THE LOCAL GOVERNMENT TO PROVIDE MUNICIPAL OR GOVERNMENTAL SERVICES AND FACILITIES

The compact nature of the development, by itself, makes it more efficient for the Town to provide essential services, including fire, police, emergency, utilities and road maintenance.

Circulation within the project provides clear, efficient and identifiable routing for emergency services and well as everyday traffic.

The community of uses also combines to form a more alert and supportive neighborhood, fostering greater responsibility on the part of the citizens, be they residents or workers, encouraging them to look after each other. This is particularly true when streets are narrower and residents walk more within their neighborhood between homes and places of work and play, during all hours of the day and evening.

The Chief of Police reviewed the project and has concerns that the Town will not be able to provide adequate police protection to the project regarding traffic infractions as the streets will be private (see attached memo).

- 1.1 The Life Safety Inspector has reviewed the plan for the Town per National Fire Codes (see enclosed memo). It is his recommendation that adequate fire protection can be provided with several minor modifications. Each individual building will also need to be reviewed for compliance prior to site plan issuance including approval of the interior floor plans and building design. All buildings would need to meet State and local Building Codes. In addition the buildings must meet the requirements of NFPA 101 (Life / Safety Code) and all referenced codes within NFPA 101. In some cases, the location of exterior features such as hydrants and Fire Department Connections will depend upon the internal building layout. Signs, street lights, trees, and other landscaping features would need to be located so as not to interfere with the Tower Truck's access to building facades. Required modifications to the master plan include:

- Increase the width of 33 linear feet of Center Drive East, in front of Building No. 1, from the present minimum width of 12' to at least 16' wide.
- Increase the width of all two-way roads, from the present 20' or 22' width to a minimum unobstructed width of 24'.
- All 13 buildings with the exception of Building 7 have sufficient exterior accessibility by the Fire Department's Tower Truck. Sufficient accessibility to Building 7 could be provided by one of the following measures:

1. A redesigned footprint that allows a minimum of 25% access to at least one side of the building.
2. Construction of fire proof exterior balconies, on the 2nd and 3rd floors, on one or two sides of the building to allow residents to exit the side(s) and approach the front edge of the building.
3. Construction of a fire lane along the southern side of the buildings. The lane would need to be plowed in the winter and have a structural width of 24'.

At the time that staff notes were drafted, the Colchester Center Fire Department had not submitted their final draft of their review (enclosed is the latest draft). Tom Ray, Colchester Life Safety Inspector, had met several times with the Fire Department to understand fire concerns and issues. Mr. Ray had proposed solutions to all known fire issues in his notes above after thorough correspondence, communication, and research. Planning and Zoning staff recommended accepting the above Life Safety Inspector fire review recommendations in lieu of any others. Colchester Center Fire Department final draft comments may be available at the meeting.

SECTION 505 – CONFORMANCE WITH THE COMPREHENSIVE PLAN AND BYLAWS

The development conforms to the 2002 Colchester Master Plan goals for the Severance Corners growth center. The area is intended to contain dense development, mixed uses, pedestrian amenities and connectivity, community spaces, while surrounded by rural development and open space. This development complies with all applicable bylaws and comprehensive plans now in effect.

SECTION 505 – PERFORMANCE BONDS

The applicant was asked to provide performance bonds for the proposed streets, sidewalks, and bike path. Although the proposed infrastructure will remain private, staff recommended that a bond be required to guarantee the performance of the infrastructure give the scope of the project. This section of the subdivision regulations does not distinguish between public and private roads.

Dated at Colchester, County of Chittenden, State of Vermont this 9th day of July 2003.

DEVELOPMENT REVIEW BOARD

TOWN OF COLCHESTER
COUNTY OF CHITTENDEN
STATE OF VERMONT

In Re:	Severance Corners Village Center c/o Jefferey Kolok Kolok Development Group 354 Mountain View Drive, Suite 105 Routes 2/7 and Blakely Road Tax Map 8, Parcel 37 and 37-1	Malcolm & Gladys Severance 2179 Roosevelt Highway Colchester, Vermont 05446
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III. ORDER

Based upon the aforesaid Findings of Fact, the Colchester Development Review Board hereby grants approval of the Final Plat application of Severance Corners Village Center, LLC on the behalf of Malcolm and Gladys Severance, to subdivide two existing parcels totaling 42.19 acres into 5 lots which will contain 152 dwelling units and 86,600 square feet of mixed office, commercial, retail and restaurant space. The land is identified in Book QC4, Page 411 and Book 138, Page 15 of the Colchester Land Records. The subject property is located on Blakely Road, Tax Map 8, Parcels 37 and 37-1. The approval is per a 46 sheet set of plans with a cover sheet entitled "Severance Corners Village Center Kolok Development Group" with a stamped received date of 5/5/03 and as depicted in a bound booklet entitled "Final Plat Application April 2003 Severance Corners Village Center Colchester, Vermont" with a stamped received date of 5/5/03 with the following conditions:

1. All previous approvals and stipulations which are not superseded by this approval shall remain in effect.
2. Prior to recording the Final Plat, the plans shall be revised to the satisfaction of the Town Planner include:
 - a) The proposed bike path shall be extended completely along the road frontage of the project (Blakely, Routes 2 & 7). The plans shall also include easements to be dedicated to the Town along the length of the bike path to the satisfaction of the Town Engineer.
 - b) The bike path location shall be revised to reflect any future intersection improvements so that a car entering the project will not block the flow of

traffic in the road if the car must stop for a pedestrian or bike in the crosswalk. The design must allow for one car to safely queue without impeding the flow of the intersection. The area for queuing must also reflect any future expansion of the intersection.

- c) The plans shall be revised to include typical cross-sections for the pedestrian path.
- d) The parking islands shall be revised to serve as storm water infiltration points if this can be done without amending existing State stormwater permits.
- e) The plans shall be revised to introduce canopy trees such as Maple, Ginko, Little Leaf Linden, or other salt resistant trees to the parking islands.
- f) The applicant shall revise the landscape plans to provide landscaping schedules and locations for each phase. The landscaping berm and the landscaping for the Charbonneau property shall be part of the first phase.
- g) The westerly parking lot near building #13 shall be reconfigured to comply with Section 804.1. The parking shall be located behind a building and screened from Severance Road. The nine (9) parking spaces shown within the required front yard setback of 45 feet along Blakely Road shall be reconfigured to comply with the Zoning Regulations. The parking spaces shall be moved out of the front yard setback area and the entire parking area must be fully screened from Blakely Road.
- h) The proposed Lumec Square Lantern L21N-SE shall employ the opal, bronze, or frosted lens finishes to prevent against the bulb being clearly distinguishable in the fixture. Clear lens on lantern fixtures generally give off glare and shall therefore be avoided.
- i) The applicant proposes to relocate a manhole on the Town's collection system. This manhole includes a soil odor filter vent in valve box. A detail of this system shall be included on the plans. The new gravity service line that enters this manhole shall have an invert at least 0.3' higher than the invert out. All the sanitary work shall be coordinated on one set of plans.
- j) The landscaping plan shall be revised to show the berm contour as raised at least seven feet from grade.
- k) The plans shall be revised to show an increase in the width of approximately 33 linear feet of Center Drive East, in front of Building No. 1, from the present minimum width of 12' to at least 16' wide to the satisfaction of the Town's Life Safety Inspector.
- l) The plans shall be revised to provide set-up space for the Colchester Center Fire Company's current tower truck to the satisfaction of the Town's Life Safety Inspector. This shall be limited to key fire access points as determined by the Inspector.
- m) The plans shall be revised to show 12 foot travel lanes for the perimeter drive.
- n) The landscape plan shall be revised to remove deciduous trees in the splitter island of the roundabout. These will hinder sight distance and shall be replaced with low growing shrubs.

- o) All plans shall be consistent in content. The Civil Plans for the project that show the road improvements along Blakely Road do not agree with the Blakely Road Improvement Plans. This shall be corrected.
 - p) The left turn lane at the West Drive exit shall be longer to accommodate a large truck of WB-50 as a minimum with WB-67 preferable.
 - q) The entrance/exit to Routes 2 & 7 shall be revised to prohibit illegal turns.
- 3. In accordance with Colchester's Fee Ordinance Chapter 6 ½ - 4 (9) the applicant is responsible for payment of all permit fees as well as for the costs of reviews conducted by third-party consultants/experts requested by the Town. All fees shall be paid prior to or at the time of issuance of a building permit.
- 4. Prior to issuance of a certificate of occupancy for the first residential unit the applicant shall construct and complete the bike path along Blakely Road in its entirety and southerly to the Routes 2 & 7 access road.
- 5. The informal recreation field shall have a grade of not more than 1% from the crown to the edge. The turf shall be consistent with current soccer fields at Colchester parks. This field shall be completed prior to occupancy of phase two.
- 6. Prior to issuance of a certificate of occupancy for phase three, the applicant shall provide the Town with an escrow or letter of credit for \$12,000 for construction of the bike path from the Routes 2 & 7 access southerly along Routes 2 & 7 to the southern property line of the property with the escrow or letter of credit not to exceed a period of five years.
- 7. Prior to issuance of a building permit, the applicant shall submit to the Town \$5,000 for the purposes of preparing a conceptual plan to link the Routes 2 & 7 bike path along the circumferential highway to the existing Town bike path easement off of Hawkes Way.
- 8. Prior to issuance of a building permit for the bike path, the applicant shall provide bicycle signage details to the satisfaction of the Town Engineer.
- 9. Prior to issuance of a certificate of occupancy for the first residential unit, the tot lot with two swings and appropriate surfacing underneath the structure, such as woodchips, shall be completed.
- 10. The association shall be responsible for the maintenance and replacement of all proposed recreation amenities. The association shall bear the responsibility of scheduling use of the amenities. The recreation amenities shall be privately owned.
- 11. The association shall be responsible for constructing all bus related infrastructure recommended by the CCTA at such time as service is extended to Severance Corners.

12. All dumpsters shall be fully screened and placed in accordance with the approved plans and Article XVIII, Section 1838 of the Zoning Regulations and shall not adversely affect circulation, parking, or be prominently sited on the property.
13. No loading docks are approved at this time. Loading docks for individual buildings will be reviewed at the time a site plan is submitted for the individual building for conformance with the Zoning Regulations.
14. No on-site or community disposal systems are approved for the project at this time.
15. Waivers of interior front yard setbacks of down to zero are hereby given. Waiver of the Planned Unit Development and Planned Residential Development buffers down to zero is also hereby given in order to facilitate transition between this project and future projects.
16. No excavation, site development, or building construction shall occur until the applicant has obtained all necessary permits from the Town of Colchester in accordance with the Building, Zoning, Health and other applicable ordinances.
17. Prior to issuance of the first Certificate of Occupancy, the applicant shall submit correspondence from the Champlain Water District stating that there is sufficient water storage to service the project as stated herein and including all phases.
18. Prior to obtaining the first building permit, the applicant shall submit correspondence from the appropriate Fire District #3 stating that the District has reviewed and approved proposed water service and design.
19. No signage is approved at this time. Prior to erection of any and all signage, a sign permit application shall be submitted by the applicant then reviewed and approved by the Zoning Administrator.
20. Prior to issuance of the first building permit, the erosion control plan shall be supplemented to state that any silt fence/hay bale dams with more than 50% silt buildup shall be cleaned. A note shall also be added to the drawings prior to issuance of the first building permit that the erosion control shall be augmented in the field during construction as deemed necessary by the Town Engineer.
21. Once the permanent erosion control is in place, the downstream receiving channels shall be inspected by the applicant's engineer after every storm event and weekly during spring run-off until one year after total project completion. Any downstream erosion of the receiving channel shall be repaired and a plan for correction of the problem shall be reviewed and approved by the Town Engineer. After one year of operation after final completion, the downstream channel shall be inspected yearly for erosion by the applicant and a report submitted to the Town Engineer's satisfaction.

22. Prior to issuance of a building permit, the applicant shall complete an evaluation and documentation of the condition of the downstream channel to the satisfaction of the Town Engineer.
23. Prior to obtaining a site development permit, the soil erosion plans shall be revised and supplemented to include a requirement that any disturbed area not actively worked for a period of a month or more shall have a temporary seeding with annual rye or be mulched. This temporary seeding or mulching shall be performed even if final grade has not been obtained.
24. Approval of this application does not constitute final approval of the sewage system design for construction. A sewage permit shall be obtained before construction begins and additional reviews and requirements may apply. No floors drains are allowed to be connected to the sanitary system without written approval of the Public Works Department. All discharges shall conform to requirements of Chapter 10, Sewers, as found in the Code of Ordinances for the Town of Colchester.
25. Disposal of excavated earth material, stumps, brush, or other material removed from this site shall take place at a location properly permitted for such activity. Placement of fill material in Colchester requires a permit to be obtained by the owner of the land to be filled. Placement of material from this site not in compliance with this permit or without a permit shall constitute a violation of this approval.
26. Recreation and school impact fees, in effect at the time a building permit is applied for, shall be paid prior to issuance of individual building permits.
27. The project shall be constructed and operated in accordance with the submitted application documents, the stamped approved plans, the Findings of Fact and Order, the Colchester Zoning Regulations and Subdivision Regulations. There shall be no change in the proposed use or approved plans without prior approval of the Town. The Development Review Board reserves the right to review and issue supplementary Findings of Fact and Order for any substantial change in the project approved herein. Any unauthorized change in construction or use from this approval shall be grounds for revocation of the Order and Approval.
28. The Final Plat plan shall be recorded in the Town of Colchester land records within 90 days or this approval is null and void. The Final Plat plan shall be in the form of a mylar copy (18" by 24") depicting a metes and bounds survey of the approved subdivision and shall identify a minimum of three witness monuments located, or to be located, on the property with boundaries referenced to the Colchester Plane Coordinate System (coincident with the Vermont Plane Coordinate System) based on the 1983 North American Datum. Such monuments shall be established at a minimum survey error of closure of 1:10,000. All plans to be recorded shall meet the requirements of the Town of Colchester's "Specifications for the Submission of

Survey or Boundary Line Adjustment Mylars to be Recorded in the Town Land Records” Policy. The plan shall be signed by the Development Review Board Chair or Clerk prior to recording.

29. Prior to recording the Final Plat plan, the applicant shall submit a copy of the survey plat in digital format (Colchester Plane Coordinate System) meeting the Town of Colchester “Specifications for the Submission of Survey Plats, Final Plat Plans & Boundary Line Adjustments in Digital Form” Policy. The format of the digital information shall require approval of the Town Planner. Upon certification by the Chairman or Clerk, the mylar copy shall be submitted to the Town Clerk to be filed in the Town Land Records.
30. Prior to the issuance of the first building permit the property front line corners for each lot shall be established with witness stakes or iron pins. Prior to issuance of a Certificate of Occupancy said property line corners shall be established with permanent monumentation.
31. Record drawings shall be submitted to, and approved by the Town Engineer prior to acceptance of any public improvements. Record drawings shall be submitted compatible with the Colchester Plane Coordinate System.
32. By acceptance of these Findings of Fact and Order the Permittees agree to allow representatives of the Town of Colchester access to the property covered by the approval for the purpose of ascertaining compliance with all local regulations and with this Order.
33. Prior to the issuance of the first building permit for the proposed development the applicant shall submit and receive approval of the following:
 - a) A subdivision improvement agreement (or similar form approved by the Town Attorney) with the Town that includes sufficient surety which guarantees the installation of all required public improvements and warrants their performance for a two-year period following final construction inspection and approval. The amount of the surety shall be approved by the Town Engineer, and the form and execution of the surety and development agreement shall be approved by the Town Attorney. For the purposes of this section all work in public roadways, bike paths, traffic signage, streetlights in Town right-of-way, and drainage improvements and other public infrastructure shall be considered public improvements.
 - b) Adequate surety to guarantee the installation and performance of the approved landscaping for each phase of the project.
 - c) Executed warranty deeds for all rights-of-way and easements to be dedicated to the Town, and a Certificate of Title showing the title to be free and clear of all encumbrances. Deeds and certificates shall be approved by the Town Attorney. Approval of deeds by the Town does not constitute acceptance of the right-of-way. The Town may release all interest to the easements or right-of-way at any time.
 - d) Septic easements shall be provided as required by the Town Engineer.

- e) All association documents, which must be reviewed and approved by the Town's Attorney prior to issuance of any site development or building permits.
 - f) The applicant shall submit and receive approval for street names for all new roads from the Assessor as per the E-911 naming system.
 - g) A sanitary sewer maintenance plan shall be approved by the Town Engineer.
 - h) A minimum of 25% of the project shall be designated as permanently restricted open space. The covenants for this open space shall be to the satisfaction of the Town's Attorney. This open space covenant shall include measures for how the association will maintain the open space in perpetuity.
 - i) The applicant shall provide a performance bond for the proposed streets, paths, and sidewalks for each phase prior to issuance of the first building permit for each phase, to guarantee the performance of the infrastructure.
34. The Town may require full time inspection during installation of any public improvements; by the Town's designated inspector to be paid by the permittee.
35. Prior to issuance of a building permit, the Town's Attorney shall approve all association documents. The association documents shall include provisions for road, sidewalk, light fixture, landscaping, sewer, water, stormwater and other project amenity maintenance, replacement, and associated fees. The association documents shall clearly state that the road network for the project is private and will not be accepted by the Town. The association shall also provide provisions for a security force that can enforce private parking covenants and provide adequate policing for the project. The Town's Attorney will review the final covenants at the applicant's expense.
36. The project's network of roads, sidewalks, and walking paths shall remain private. As such, the Town of Colchester shall not accept any liability for the condition, maintenance, or repair of these facilities. It shall also be the applicant's or duly designated association's responsibility to enforce traffic, parking, and other forms of usage on these networks.
37. Prior to issuance of a Certificate of Occupancy, the Town Engineer or designee shall conduct an inspection of any public improvements. Such improvements, to the extent that they affect safe occupancy of the property, shall be substantially complete and satisfactory for Town acceptance. No Certificate of Occupancy of the first residential unit shall be issued prior to installation, completion, and formal acceptance by the Town of all public improvements excepting traffic improvements. No Certificate of Occupancy for the last building of the phase shall be issued until the applicant has completed traffic improvements called for in the warrant analysis performed for that particular phase as well as all previous phases.
38. The proposed private roads shall be constructed in accordance with the "Public Works Standards" in all ways excepting road width and intersection geometries.

39. At the time of site plan application for each individual building, the building shall comply with NFPA 101 (Life / Safety Code) and all referenced codes within NFPA 101. This review shall include interior floor plan, building design, the location of exterior features such as hydrants and Fire Department Connections, signs, street lights, trees, and other landscaping features. All buildings shall meet State and local Building Codes.
40. At no time shall the project have less than two points of access or deficient fire access as per NFPA 1 and NFPA 101 and all referenced codes within these documents. A gated temporary emergency entrance on Blakely Road or Routes 2 & 7 may be constructed and maintained clear of snow in one of the earlier phases of this project to this end. Prior to issuance of the first certificate of occupancy in the second phase, all temporary emergency access points shall be removed.
41. At the time of site plan review, Building #7 shall have adequate parking within the building to service the proposed uses in the building. Building #7 shall also provide one of the following measures:
 - a. A redesigned footprint that allows a minimum of 25% access to at least one side of the building, not including the front of the building.
 - b. Construction of fire proof exterior balconies, on the 2nd and 3rd floors, along the entire length of one or two sides of the building to allow residents to exit the side(s) and approach the front edge of the building.
 - c. Construction of a fire lane along the southern side of the buildings. The lane would need to be plowed in the winter and have a structural width of 24'.
42. The current sewer allocation for this project is 42,000 g.p.d. Each individual building will require site plan approval prior to issuance of any building permits. Neither site plan approval nor building permit shall be given that exceeds the 42,000 g.p.d. allocation unless the applicant receives prior approval for additional allocation from the Town Public Works Department. With approval of sewer allocation for this property approved by the Public Works Department usage may be increased.
43. Prior to issuance of a building permit, the sanitary sewer maintenance plan shall be modified to include flushing of the lines as needed but not less than bi-yearly. The lines shall be flushed with vacuum type equipment.
44. All restaurants shall have grease traps that are cleaned as needed but not less than quarterly. The building sewer lateral inverts and the first floor elevations of the buildings are required to be shown on site plans.
45. The green access shall be completed as part of phase one. The green entrance shall be constructed with a right in and out. A left turn in from Blakely Road is optional for construction by the applicant. A dedicated left turn lane on Blakely Road would require widening of Blakely Road and shall not be constructed until the left turn warrant is met. After each phase of the project the applicant shall perform a warrant

analysis for this intersection. If the warrants analysis concluded that further control is required at the green, then an alternatives analysis shall be conducted to determine the best solution for the green entrance. All traffic improvements, warrants analysis, alternatives analysis, and associated costs shall be born solely by the applicant or duly authorized association.

46. After each phase of the project the applicant shall perform a warrant analysis for a dedicated left turn lane for each of the intersections. The traffic engineer shall determine after which building a dedicated left turn lane is need for one or both of the Blakely Road intersections. All traffic improvements, warrants analysis, alternatives analysis, and associated costs shall be born solely by the applicant or duly authorized association.
47. The Western Entrance shall be controlled by a stop condition as part of phase one until after the completion of the fourth building. Prior to issuance of a building permit for the fifth building, the applicant shall perform a warrant analysis for this intersection to determine if a signal at the western entrance is necessary. This analysis shall give consideration to providing safe access to the parcel known as 08-036003-0000000. All traffic improvements, warrants analysis, alternatives analysis, and associated costs shall be born solely by the applicant or duly authorized association.
48. Prior to issuance of a building permit for the second and third phases, the applicant shall conduct a warrant analysis for the project to determine if intersection control is warranted. The alternatives analysis shall take into consideration the intersection to be designed in a way that best meets the needs of the area for the conditions that exist (including proposed development on the northern quadrant). The applicant or duly authorized association shall be responsible for implementing traffic improvements necessitated by this process. All traffic improvements, warrants analysis, alternatives analysis, and associated costs shall be born solely by the applicant or duly authorized association.
49. The roundabout at the green is not approved at this time. At such time that the alternatives analysis requires that a roundabout be constructed, the roundabout design shall meet the following standards:
 - a. The roundabout shall be designed to accommodate all traffic, including trucks, so that the vehicles can transit the control device within the designated travel lane.
 - b. The proposed right-of-way for the roundabout shall be large enough to accommodate a properly sized roundabout as well as future expansion needs (such as a two lane roundabout).
50. Prior to issuance of a building permit, the application shall provide an offer of dedication for additional right of way on Blakely Road to the Town Engineer's satisfaction.

51. At such time as the State of Vermont conducts improvements to the Severance Corners intersection, the applicant or duly authorized association shall pay 25% of the project cost. This amount may be reduced by the State of Vermont. It is the applicant's or duly authorized association's responsibility to submit proof of this reduction to the Town.
52. Each building shall require site plan approval prior to construction. This application is only for the site master plan and not for any specific buildings at this time. The Development Review Board shall utilize section 21 of the application "Design Guidelines and Development Standards" pages 17 through 22, pages 43 through 44, and the building "typologies" to evaluate the site plan applications and ensure that the proposed buildings are in keeping with the intent of the project master plan. The Board shall also utilize the Land Use Diagram on sheets 3, 3A, 4, and 4A of the application to ensure that the proposed buildings are in keeping with the intent of the project master plan especially in terms of height. In addition to building design, the site plan review process shall also evaluate sewage flows (cumulative impact statement), traffic in the context of the warrant analysis, and parking requirements for the proposed building. Approval of parking in excess of the required minimum in the Zoning Regulations in effect at the time should be avoided. The site plan review process should also follow all requirements for site plan review in effect in the Colchester Zoning Regulations at the time the application is submitted.

53. The applicant shall follow phasing schedule listed below with the exception that staff may approve a 20% deviation from the phasing of commercial / residential percentages proposed for each phase. Phase one shall be 50% completed within two (2) years of the date of approval or the approval shall be null and void. Phase two shall be completed within four years or the approval shall be null and void. Said requirements shall be extended by any action caused by court proceedings.

SEVERANCE CORNERS VILLAGE CENTER

Phasing Schedule

Colchester Final Plat Application

BUILDING #	PHASE	START	BUILDING SF, USE RANGES		# Units	Total SF	COM/RES %	
			Commercial	Residential			Com	Res
13	1	Apr-04	19,500	0	0	19,500	100.00%	0.00%
12	1	Apr-04	8,270	16,540	15	24,810	33.33%	66.67%
1	1	Apr-04	10,600	0	0	10,600	100.00%	0.00%
2	1	Apr-04	6,800	13,800	12	20,600	33.01%	66.99%
3	1	Apr-04	1,500	29,300	23	30,800	4.87%	95.13%
4	2	Apr-06	9,800	0	0	9,800	100.00%	0.00%
11	2	Apr-06	0	3,900	3	3,900	0.00%	100.00%
10	2	Apr-06	8,000	32,000	20	40,000	20.00%	80.00%
5	3	Apr-08	8,000	19,495	10	27,495	29.10%	70.90%
6	3	Apr-08	0	27,495	19	27,495	0.00%	100.00%
7	3	Apr-08	6,500	6,500	5	13,000	50.00%	50.00%
8	3	Apr-08	0	37,712	25	37,712	0.00%	100.00%
9	3	Apr-08	7,630	29,030	20	36,660	20.81%	79.19%
TOTALS			86,600	215,772	152	302,372	28.64%	71.36%

IV. APPEAL RIGHTS

You have a right to appeal this decision to the Vermont Environmental court, pursuant to 24 V.S.A. § 4471 and V.R.C.P. 76, in writing, within 30 days of the date this decision is issued. The fee is \$150.00. If you fail to appeal this decision, your right to challenge this decision at some future time may be lost because you waited too long. You will be bound by the decision, pursuant to 24 V.S.A. § 4472 (d) (exclusivity of remedy; finality). This also applies to any interested person(s) who may have had a right to appeal.

Dated at Colchester, County of Chittenden, State of Vermont this 9th day of July 2003.

DEVELOPMENT REVIEW BOARD